

ORAL ARGUMENT NOT YET SCHEDULED
**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN WATER WORKS
ASSOCIATION, ET AL.

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, ET AL.,

Respondents.

Case No. 24-1188 and
consolidated cases

**UNOPPOSED MOTION FOR A STAY OF PROCEEDINGS
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of proceedings in the above-captioned case due to the lapse in appropriations. Undersigned counsel has conferred with counsel for Petitioners and Intervenor. Petitioners take no position on the motion. Respondent-Intervenor do not oppose EPA's request to place this case in abeyance; however, they request that the Court order the parties to propose revised deadlines within seven days of the Court's order lifting an abeyance.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies. The Department does not know when such funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Additionally, undersigned counsel has a pre-planned, pre-paid vacation from October 11 through October 21 (which would have otherwise been after Respondents’ deadline in this matter).

4. Undersigned counsel therefore requests a stay of proceedings as described below until Congress has restored appropriations to the Department.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations, plus additional time (if necessary) to move Respondents’ deadline past undersigned counsel’s vacation – i.e., the deadline to file a reply in support of Respondents’ motion for partial vacatur and any responses (by any party) to Intervenors’ motion to file a revised and expanded brief would be due the later of October 31, 2025, or a day-for-day extension for the duration of the lapse in appropriations; and the deadline for Intervenors’ reply in support of their motion to file a revised and expanded brief will be the later of November 12, 2025, or a day-for-day extension for the duration of the lapse in appropriations.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of proceedings in this case as outlined above until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: October 1, 2025.

Respectfully submitted,

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General

ROBERT STANDAR
Deputy Assistant Attorney General

/s/ Kimere J. Kimball
KIMERE J. KIMBALL
Attorneys

Of Counsel:

HEIDI NALVEN
Attorney
U.S. ENVIRONMENTAL
PROTECTION AGENCY

U.S. Department of Justice
Env't & Natural Resources Div.
P.O. Box 7611
Washington, DC 20044
(202) 514-2285 (Kimball)
Kimere.Kimball@usdoj.gov

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of Federal Rule of Appellate Procedure 32(a)(7)(B) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f) this document contains 422 words.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font.

/s/ Kimere J. Kimball

KIMERE J. KIMBALL

Counsel for Respondents